

**Petition For Revival Of An Application For Patent Abandoned  
Unintentionally Under 37 CFR 1.137(b) (Small Entity)**

Docket No.  
RU-0064

In Re Application Of: LAZARUS ET AL.

SEP 21 2000

SEP 28 2000

Serial No.  
09/332,886

Filing Date  
JUNE 15, 1999

Examiner  
NOT YET ASSIGNED

Group Art Unit  
1652

Invention: ENZYMES FOR THE PRODUCTION OF 2-KETO-L-GULONIC ACID

ASSISTANT COMMISSIONER FOR PATENTS

Attention: Office of Petitions

Box DAC

Washington, D.C. 20231

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper response to a notice or action by the Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extension of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee--required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. ☒ A proposed reply to the above-identified Office Action:

☒ is enclosed. ☐ was filed on \_\_\_\_\_

The proposed reply is in the form of: Response to Notice of Missing Parts and Application Fee

2. ☐ The issue fee:

☐ is enclosed. ☐ was paid on \_\_\_\_\_

09/22/2000 EHAMDND 00000045 09332886

01 FC:241  
02 EC:218

605.00 DP  
~~605.00 DP~~

3. ☒ A small entity declaration:

☒ is enclosed. ☐ was filed on \_\_\_\_\_

4. ☒ The abandoned application was a:

☐ design application. ☒ utility application. ☐ plant application.

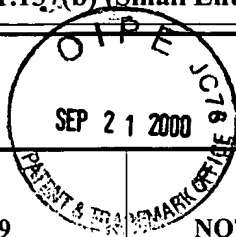
5. ☐ A terminal disclaimer (and fee) disclaiming a period equivalent to the period of abandonment is enclosed.

6. ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

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**Calculation and Payment of Fees**

Enclosed are the following fees:

- |  |                             |
|--|-----------------------------|
| 7. <input checked="" type="checkbox"/> Petition fee under 37 CFR 1.17(m) in the amount of:                   | <u>\$605.00</u>             |
| 8. <input checked="" type="checkbox"/> Fee for amendment in the amount of:                                   | <u>\$65.00</u>              |
| 9. <input checked="" type="checkbox"/> Fee for extension of time to reply to Office Action in the amount of: | <u>\$680.00</u>             |
| 10. <input type="checkbox"/> Issue fee in the amount of:   | <u>                    </u> |
| 11. <input checked="" type="checkbox"/> Continuing application filing fee in the amount of:                  | <u>\$1,231.00</u>           |
| 12. <input type="checkbox"/> Terminal disclaimer fee in the amount of:                                       | <u>                    </u> |
| 13. <input type="checkbox"/> _____   | <u>                    </u> |
| Total fees enclosed:   | <u>\$2,581.00</u>           |

The fee of **\$2,581** is to be paid as follows:

- ☒ A check in the amount of the fee is enclosed.
- ☐ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. \_\_\_\_\_
- A duplicate copy of this sheet is enclosed.

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**RU-0064**

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**09/332,886**

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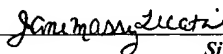
Examiner  
**NOT YET ASSIGNED**

Group Art Unit  
**1652**

Invention: **ENZYMES FOR THE PRODUCTION OF 2-KETO-L-GULONIC ACID**

**Statement**

The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

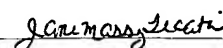


*Signature*

Dated: **September 19, 2000**

**Jane Massey Licata  
Reg. No. 32,257  
Law Offices of Jane Massey Licata  
66 E. Main Street  
Marlton, NJ 08053  
Tel: 856-810-1515  
Fax: 856-810-1454**

I certify that this document and fee is being deposited on **Sept. 19, 2000** with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.



*Signature of Person Mailing Correspondence*

**Jane Massey Licata**

*Typed or Printed Name of Person Mailing Correspondence*

CC:

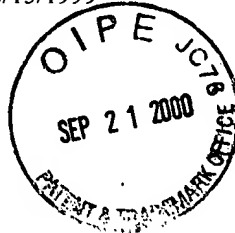
**ABANDONMENT/TERMINATION  
LETTER**

\*OC00000005326861\*

**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**Address: COMMISSIONER OF PATENT AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/332,886	06/15/1999	ROBERT A. LAZARUS	06137.0016.U

JEFFREY I AUERBACH  
HOWREY & SIMON  
BOX NO 34  
1299 PENNSYLVANIA AVENUE N W  
WASHINGTON, DC 200042402



Date Mailed: 08/16/2000

**NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)**

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 07/14/1999.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(c).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(c).

Any questions concerning petitions to revive should be directed to "Office of Petitions" at (703) 305-9282.

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*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE